FORM PTO 1390 (REV 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. §371

ATTORNEY DOCKET NUMBER 2005_0258A

11. 014 (5725) 235 NEW

International Application No. PCT/JP03/07391

International Filing Date June 11, 2003

Priority Date Claimed August 22, 2002

Title of Invention

CONTROL SYSTEM, METHOD, AND PROGRAM USING RHYTHM PATTERN

Applicant(s) For DO/EO/US

Atsushi YAMASHITA et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1. [X] This is a FIRST submission of items concerning a filing under 35 U.S.C. §371.
- 2. [] This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. §371.
- 3. [X] This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
- 4. [] A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- 5. [X] A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. [] is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. [X] has been transmitted by the International Bureau. ATTACHMENT A
 - c. [] is not required, as the application was filed in the United States Receiving Office (RO/US)
- 6. [X] A translation of the International Application into English (35 U.S.C. §371(c)(2)). ATTACHMENT B
- 7. [] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
 - a. [] are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. [] have been transmitted by the International Bureau.
 - c. [] have not been made; however, the time limit for making such amendments has NOT expired.
 - d. [] have not been made and will not be made.
- 8. [] A translation of the amendments to the claims under PCT Article 19.
- 9. [] An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
- 10. [] A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

- 11. [X] An Information Disclosure Statement under 37 CFR 1.97 and 1.98. ATTACHMENT C
- 12. [] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- 13. [X] A FIRST preliminary amendment (including replacement formal drawings for drawing sheets 2, 5, 6, 8-12 and 17).

ATTACHMENT D

- [] A SECOND or SUBSEQUENT preliminary amendment.
- 14. [X] Other items or information:
 - unexecuted Declaration and Power of Attorney with cover letter ATTACHMENT E
 - Form PCT/IB/304 ATTACHMENT F
 - Front page of PCT International Publication ATTACHMENT G

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

u.s. application ng. 52	5235	INTERNATIONAL APPLICATION NO. PCT/JP03/07391		ATTORNEY'S DOCKET NO. 2005_0258A	
15. [X] The following fees are submitted				CALCULATIONS	PTO USE ONLY
Basic National Stage Fee					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$1,150.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	32 - 20 =	12	X \$50.00	\$ 600.00	
Independent Claims	3 - 3 =	0	X \$200.00	\$	
Multiple dependent claim(s) (if applicable) + \$360.00				\$	
TOTAL OF ABOVE CALCULATIONS =				\$1,750.00	
[] Small Entity Status is hereby asserted. Above fees are reduced by 1/2.				\$	
SUBTOTAL =				\$1,750.00	
Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$1,750.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	
TOTAL FEES ENCLOSED =				\$1,750.00	
			:	Amount to be refunded	s
				Amount to be charged	s
a. [X] A check in the amount of \$ 1,750.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed.					
b. [] Please charge my Deposit Account No. 23-0975 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.					
 c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any e overpayment to Deposit Account No. 23-0975. 					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					

19. CORRESPONDENCE ADDRESS

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February 22, 2005

[CHECK NO. 66760

[2005_0258A]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

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Atsushi YAMASHITA et al.

Mail Stop: PCT

Serial No. NEW

Attorney Docket No. 2005 0258A

Filed February 22, 2005

CONTROL SYSTEM, METHOD, AND PROGRAM USING RHYTHM PATTERN [Corresponding to PCT/JP03/07391 Filed June 11, 2003]

COVER LETTER FOR APPLICATION FILED WITHOUT EXECUTED DECLARATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The above-identified application has been submitted without an executed oath or declaration.

It is respectfully requested that this application be assigned a serial number and awarded a filing date.

A duly executed oath or declaration pursuant to 37 CFR 1.63 will be submitted after notification by the U.S. Patent and Trademark Office.

A non-executed copy of the Declaration and Power of Attorney, containing the inventorship information, is attached. It is respectfully requested that all communications be directed to the firm indicated on the attached Declaration and Power of Attorney, namely:

WENDEROTH, LIND & PONACK, L.L.P. 2033 K Street, N.W., Suite 800 Washington, D.C. 20006-1021

The required U.S. Patent and Trademark Office Filing Fee is submitted herewith.

Respectfully submitted,

Atsushi YAMASHITA et al.

By Charles R. Watts

Registration No. 33,142

Attorney for Applicants

CRW/asd Washington, D.C. 20006-1021 Telephone (202) 721-8200 Facsimile (202) 721-8250 February 22, 2005